

SCS-015 Control of Noise from Council Facilities

TRIM Reference: D21/137250 Due for Review: November 2023
 Responsible Officer: Manager Community Strengthening

Purpose

This policy provides direction on the control of noise at facilities that are owned or managed by Council.

Policy Principles

The *Environment Protection Act 2017* (the Act) has the General Environment Duty (GED) at its centre which requires all Victorians to eliminate or minimise impacts to human health and the environment, as far as reasonably practicable. Therefore to ensure Council are meeting the obligations set out in the GED, this policy outlines the requirements for all users of Council facilities to manage noise.

Scope

This policy will apply to all Employees, Community Asset Committees, User Groups and Sports Clubs who hire out a Council facility including but not limited to public halls and social rooms.

Policy

Noise from a Council facility must comply with the EPA Publication: Noise Protocol “1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues”. This protocol determines the allowable noise limits for the day, evening and night periods, which must be observed.

This is a useful tool if Council were to receive a complaint, however due to the varying noise sources likely to be emitted from Council facilities and without an environmental noise assessment being completed, these noise limits are unknown. Therefore to ensure that Council meets the obligations under the GED and minimises the impacts to human health and the environment, as far as reasonably practicable, the prescribed items and prohibited times for noise as set out in the Environment Protection Regulations 2021 (the Regulations) have been adopted into this policy.

Prohibited times for noise

Group	Prescribed items	Prohibited times
1	<ul style="list-style-type: none"> Motor vehicles (but not when entering or leaving a site) Vessel or personal watercraft Lawnmowers or other grass cutting devices Any equipment with an internal combustion engine not in Group 2 	Monday to Friday before 7am and after 8pm Weekends and public holidays before 9am or after 8pm
2	<ul style="list-style-type: none"> Electric power tools, chainsaws or circular saws Gas or air compressors Pneumatic power tools, hammers or other impacting tools or grinding equipment 	Monday to Friday before 7am or after 8pm Weekends and public holidays before 9am or after 8pm

Group	Prescribed items	Prohibited times
3	<ul style="list-style-type: none"> Heating equipment (including central heating, a hot water system or a heat pump, air conditioner or split heating system) Swimming pool, spa or water pumps except when used to fill a header tank. Vacuum cleaners 	Monday to Friday before 7am or after 10pm Weekends and public holidays before 9am or after 10pm
4	<ul style="list-style-type: none"> An air conditioner, evaporative cooler or split system used for cooling* 	Monday to Friday before 7am or after 11pm Weekends and public holidays before 9am or after 11pm
5	<ul style="list-style-type: none"> Musical instruments Electric audio goods, including stereos, radios, TV's and public address systems 	Monday to Thursday before 7am or after 10pm Friday before 7am or after 11pm Saturday and public holidays before 9am or after 11pm Sunday before 9am or after 10pm
6	<ul style="list-style-type: none"> Electrical goods not in group 2,3,4 or 5 other than an item for personal care or grooming or for food heating, cooling or preparation 	Monday to Friday before 7am or after 8pm Weekends and public holidays before 9am or after 8pm

*Prohibited times do not apply to noise from an air conditioner used for cooling during a heat health alert.

Noise from prescribed items can be unreasonable outside of the prohibited times, under the definition of unreasonable noise. Unreasonable noise also applies to noise types not listed in the Regulations, such as ongoing and frequent noise sources.

All activities are to be ceased (including the cleaning up and closing down) prior to the prohibited times.

Council may allow later operations where it is satisfied that noise from the facility will be inaudible within all noise sensitive areas or is of special social significance. Applications to allow later operations must be submitted in writing and the applicant must notify residents living within a 200 metre radius of the location where the activity or event will occur.

The Act, Regulations, Planning Permits, Noise Protocol and the Liquor Licence will always take precedence over this policy.

Music noise from outdoor entertainment venues and events

There are certain requirements for outdoor entertainment venues and events which are stipulated by the EPA, including possible requirement for a permit. Please visit the EPA website for further details: [Outdoor music noise and event permits](#).

Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No	
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	No. All changes to the Policy are directly in line with legislative changes.
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	All facility hirers will be informed of the newly adopted Policy.

Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes	Council Plan 2021-2025 – Strategy 3 & 6
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No	

Definitions

Liquor Licence = A licence issued under the *Liquor Control Reform Act 1998*.

Outdoor entertainment event = An event where music is played and is held on public land including a road reservation, public open space, park, foreshore reserve or land of a similar nature, including an event held on such land in a temporary building or structure, such as a marquee, tent or temporary soundstage, not being a permanent fixture of the land and erected for the purposes of the event.

Outdoor entertainment venue = any premises (other than residential premises) where music is played in the open air and which cannot feasibly be totally enclosed and sound-proofed because of its size. Examples - Sports and other large outdoor arenas and major sports and recreation facilities having substantial provision for spectators, including privately owned land used as an outdoor entertainment venue.

Unreasonable noise = is unreasonable having regard to the following - (i) its volume, intensity or duration (ii) its character; (iii) the time, place and other circumstances in which it is emitted (iv) how often it is emitted; (v) any prescribed factors or (b) is prescribed to be unreasonable noise.” Noise can be annoying or disturbing. If the noise continues or is too loud, it can impact on your health and wellbeing.

Transport noise = from individual vehicles, road traffic, trams and trains can disturb sleep and have other health impacts. Laws restrict noise levels from individual vehicles. State Government policies set noise standards for the design of new road and rail transport infrastructure.

Construction noise = comes from activities such as demolition, site preparation and building. Work practices and normal working hours control construction noise. Major infrastructure noise can come from large building projects such as freeways, tunnels and rail lines.

Music noise = from both indoor and outdoor venues and outdoor entertainment events must comply with noise limits. Venue operators and event managers must take reasonable steps to manage their activities to minimise the risk of harm from noise. There are also rules restricting the operating hours and number of outdoor concerts held in a year.

Commercial, industrial and trade noise = businesses must minimise the risk of harm to human health and the environment as a result of noise from their premises and comply with noise limits. Businesses must make sure that any noise from their activities or premises doesn't unreasonably impact the local community.

Related Procedure

Complaints Handling Policy SCS-032 and Complaints Handling Procedure

References

Community Asset Committee Delegations.

Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Adopted Council Resolution – 27 November 2018</i>
2	<i>Review - 2021</i>	<i>Adopted Council Resolution – 26 April 2022</i>